

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ELI MISTOVICH, Jr.

Plaintiff

V.

**ELIZABETH BOWDEN, STEPHEN
URBAN, STEPHEN NEVERO and
ALISON LEATON,**

Defendants

CIVIL ACTION NO. 04-12340-EFH

AFFIDAVIT OF ELI MISTOVICH, JR.

Eli Mistovich, Jr., deposes and says as follows:

1. I am a resident of Londonerry, New Hampshire. I am 53 years old, married and the father of four children. At the time of the termination of my employment by MBCR on March 30, 2004, my two oldest children were in college.

2. As assistant division engineer in the track department for 18 years at Amtrak and subsequently at MBCR, I supervised over 170 employees in track maintainance and did almost all of the track department's interviewing and hiring. I was also responsible for oversight of capital and infrastructure improvements, meeting budgetary goals, contract administration, customer service, consulting with outside attorneys in defense of liability suits, and interacting with union representatives on collective bargaining issues.

3. During my 26 years of employment at Amtrak, I received annual written performance evaluations. I was always rated satisfactory or better. I was never the


subject of any disciplinary action. Diversity in hiring was an important goal at Amtrak and hiring managers were evaluated annually in this category. I was always rated as having exceeded diversity in hiring goals, and was commended in writing for my efforts at hiring and supervising minorities. Copies of annual performance reviews for the years 1989, 1990, 1992, 1993, 1994, 1998, 1999 and 2000 containing such written commendations are attached hereto as Exhibits A through H. I attended anti-discrimination and diversity in hiring training at Amtrak, and at MBCR. In my 28 years of railroad employment, I was never charged by any supervisor or subordinate with discrimination.

4. I learned for the first time during this proceeding that Alison Leaton, at the direction of Elizabeth Bowden, had placed advertisements for entry level trackmen in the Bay State Banner, a community newspaper serving the Afro-American community in Boston. (See Exhibit I attached hereto, which is a copy of the Bay State Banner's advertisement on the Internet on Amazon.com soliciting subscriptions to the "Community newspaper of greater Boston's Afro-American community"). Bowden and Leaton inexplicably did not place advertisements in the Boston Globe, Herald or any other newspaper serving any other community. This amounts to seeking applicants based solely on race and excluding other applicants, including other minorities, such as Hispanics and Asians. I was not informed nor aware that Bowden and Leaton had done this, notwithstanding several conversations with Leaton about the hiring process, and the fact that I was the hiring manager. I had no idea that Leaton had obtained resumes from this advertisement, or that Bowden was aware of this. I certainly would have made efforts to comply with a professionally designed affirmative action hiring program, and

supported such a program as I had for many years at Amtrak. However, without being informed, I could not have participated in such an unprofessional effort by two individuals who knew nothing about the qualities necessary for laborers in the track department.

Signed under penalties of perjury this 23 day of November,

2005.


Eli Mistovich, Jr.



Mistovich Aff Exh-A

ANNUAL PERFORMANCE EVALUATION FOR MANAGEMENT EMPLOYEES

P15

PERSONNEL USE ONLY

CONFIDENTIAL

LAST NAME <i>Mistovich</i>	INITIALS <i>E.</i>	SOCIAL SECURITY NUMBER <i>016-44-8850</i>	APPRAISAL PERIOD <i>1/1/88 TO 1/1/89</i>
DEPARTMENT DURING APPRAISAL PERIOD <i>Engineering - Commuter</i>	RES/LOC <i>9651</i>	LOCATION <i>Boston</i>	NEXT APPRAISAL DUE MO <i>1</i> DAY <i>1</i> YR <i>90</i>
JOB TITLE DURING APPRAISAL PERIOD <i>Assistant Division Engineer - Track</i>	JOB CODE <i>6NC30</i>	MONTHS IN POSITION <i>24</i>	HIRE DATE TO MANAGEMENT <i>1/16/78</i>

USE THE FOLLOWING SEQUENCE IN COMPLETING THIS APPRAISAL

1. FORMALLY REVIEW EACH EMPLOYEE'S PERFORMANCE AT LEAST ONCE A YEAR. PERFORMANCE SHOULD BE INFORMALLY REVIEWED ONCE A QUARTER OR SEMI-ANNUALLY.
2. COMPLETE ALL SECTIONS EXCEPT THE PERSONAL DEVELOPMENT PLAN ON LAST PAGE. SEND FORM TO THE SECONDARY REVIEWER FOR APPROVAL.
3. BEFORE MEETING WITH THE EMPLOYEE FOR THE FORMAL APPRAISAL SESSION, GIVE THE EMPLOYEE A COPY OF THIS FORM AND ASK HIM/HER TO USE IT AS A BASIS FOR THINKING ABOUT HIS/HER PERFORMANCE AND DEVELOPMENT NEEDS.
4. DISCUSS THE COMPLETED PERFORMANCE EVALUATION WITH THE EMPLOYEE. MODIFY IF NECESSARY. COMPLETE THE PERSONAL DEVELOPMENT PLAN THROUGH MUTUAL DISCUSSION AND AGREEMENT. REVIEW AND CHANGE THE POSITION DESCRIPTION AS APPROPRIATE DURING THIS PROCESS.
5. AFTER COMPLETION OF THE APPRAISAL INTERVIEW, HAVE THE EMPLOYEE REVIEW, SIGN AND COMMENT IN THE SPACES PROVIDED. (COMMENTS ARE OPTIONAL.) GIVE THE EMPLOYEE A COPY OF THE EVALUATION. SEND COMPLETED ORIGINAL TO PERSONNEL DEPARTMENT FOR PERMANENT RECORDS STORAGE.

SECTION A: PERFORMANCE FACTORS-Rate the employee's performance during this evaluation period by checking appropriate scale.

NOT APPL. TO POSITION		EXCEEDS REQUIREMENTS	ACCEPTABLE TO POSITION	IMPROVEMENT NEEDED
<input type="checkbox"/>	1. Verbal communications	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	2. Writing skills	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	3. Gets along well with others	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	4. Cooperation, teamwork	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	5. Ability to work under pressure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	6. Management of own work time	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	7. Ability to anticipate and avoid problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	8. Keeps supervisor/superior informed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	9. Timeliness in meeting deadlines/schedules	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	10. Completeness of assignments	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMMENTS: [IDENTIFY BY ITEM NUMBER AND MAKE COMMENTS AS NEEDED]

#8 - *Eli maintains daily communications with me both in the morning for much need info and followups in the PM.* #9 - *More work is needed in administrative responses. - i.e. Time Claims.*

SECTION B: ACCOUNTABILITY RATINGS-All "comments on performance" must fully and completely justify the rating given, e.g., A TWO rating, comments must clearly specify how individual generated results above those expected of position.

DEFINITIONS OF CATEGORIES USED: (Plus (+) and minus (-) may be used with the number rating to further distinguish performance level.)

ONE: Extraordinary and exceptional accomplishments with significant contribution to objectives of the department or the division.

TWO: Consistently generates results above those expected of the position. Contributes in a superior manner to innovations both technical and functional. Demonstrates the ability to get good results from others.

THREE: Fulfills all major position requirements and generates desired results. There may be a minor deviation above or below expectations but the general level of performance accomplishes what the job was designed to do.

FOUR: Category for an employee with sufficient time and experience in position who shows shortcomings in major position requirements. Also category for new/inexperienced employee who is progressing adequately, but not yet fulfilling all position requirements.

FIVE: Overall work performance is unsatisfactory and does not meet minimum job standards.

1. KEY ACCOUNTABILITY

IT IS ONE OF THE PRIMARY RESPONSIBILITIES OF ALL SUPERVISORS AND MANAGERS TO ADHERE TO AND COMPLY WITH THE FOLLOWING FIVE AREAS OF JOB PERFORMANCE. THESE ACCOUNTABILITIES ARE IMPORTANT AND EACH INDIVIDUAL'S PERFORMANCE SHOULD BE EVALUATED INDEPENDENTLY OF THE OTHER KEY JOB ACCOUNTABILITIES AND THE SUBSEQUENT RESULTS ACHIEVED. EACH OF THE FIVE AREAS SHOULD BE ADDRESSED IN THE COMMENTS SECTION BELOW, WHERE APPLICABLE, AND INCLUDE SPECIFIC QUANTITATIVE REMARKS.

- ADHERES TO ALL AFFIRMATIVE ACTION PROGRAMS AND ENSURES OPEN ACCESS TO ALL DEVELOPMENTAL AND PROMOTIONAL OPPORTUNITIES IN AN ENVIRONMENT OF NON-DISCRIMINATION.
- ADHERES TO ALL CORPORATE PERSONNEL POLICIES AND SOUND MANAGERIAL PRINCIPLES.
- EFFECTIVELY UTILIZES AMTRAK FINANCIAL RESOURCES (BUDGETS, COST CONTROLS, ETC.) AND
- EXAMINES, RECOMMENDS AND IMPLEMENTS VARIOUS AREAS OF POSSIBLE PRODUCTIVITY IMPROVEMENTS.
- COMPLIES WITH SAFETY AND OPERATING RULES TO ENSURE A SAFE, CLEAN ENVIRONMENT FOR EMPLOYEES AND THE PUBLIC.

COMMENTS ON PERFORMANCE**RATING** 3+

° Eli has had great involvement in the hiring program during this evaluation period. He is to be commended for the time and effort spent in this task. His adherence to Amtrak's AAP and corporate policies have enabled the hiring of qualified individuals on a non discriminatory basis. He has improved in the area of employee evaluations during this period.

° Eli maintains a high level of fiscal awareness and operates within budget guidelines. There have been several items beyond his control that have impacted FY89's budget. Eli has made inroads even in these areas demanding closer scrutiny of the budget.

2. Key Accountability:

Instills in subordinates the fact that safety is a corporate priority and a successful safety program is a prime responsibility of all supervisory personnel. Consistently observes, corrects and trains subordinates to ensure compliance with safety rules, corporate safety policies and procedures. Monitors the work environment for cleanliness and safety.

~~XXXXXXXXXXXXXXXXXXXX~~**COMMENTS ON PERFORMANCE****RATING** 3+

The Track Department has greatly improved its safety ratio of 9.2 last year to a ratio of 6.7 for this year. Continued work is needed in this area to maintain this positive trend.

3. KEY ACCOUNTABILITY

Supervises subordinates in the construction and maintenance of track and associated appurtenances. Guidance is provided to subordinates with daily contact, training & review of projects & work requirements.

COMMENTS ON PERFORMANCE**RATING** 2-

Eli continues to provide excellent direction in both technical and procedural aspects of construction and maintenance. His direction has ensured a final product with excellent quality built to specifications.

4. KEY ACCOUNTABILITY

Must meet maintenance and production goals with budget and appropriate time frames. Must be flexible to address emergency situations as they arise.

COMMENTS ON PERFORMANCE

RATING 2

This evaluation period was again plagued by management shortages and personnel hiring problems. Despite this problem, Eli and his department increased production figures over last year and accomplished many jobs that helped eliminate present restrictions (Beverly Draw) and reduce potential restrictions. (tie job, curve renewals)

5. KEY ACCOUNTABILITY

Responsible for technical expertise in railroad maintenance & construction and the compliance with all related regulations.

COMMENTS ON PERFORMANCE

RATING 3

Eli has an excellent comprehension of the technical and federal requirements of maintenance and construction. He has insisted upon a higher degree of inspection from his subordinates but must insist on meeting target dates for completion on them.

6. KEY ACCOUNTABILITY

Comply in a timely fashion with all administrative material inventory and other managerial functions as required by the position.

COMMENTS ON PERFORMANCE

RATING 3-

There was some improvement during the last portion of this evaluation period, however much more work is needed to bring this accountability within an acceptable range especially in the area of time claims and labor issues.

7. KEY ACCOUNTABILITY

COMMENTS ON PERFORMANCE

RATING

8. KEY ACCOUNTABILITY

COMMENTS ON PERFORMANCE

RATING

SECTION C: PERSONAL DEVELOPMENT

EMPLOYEE STRENGTHS

1. Insistence on quality while producing quantity.
2. Excellent technical background.
3. Consistently provides information on daily work and problems.
4. _____
5. _____

AREAS NEEDING IMPROVEMENT

1. Continue work on time management especially in administrative area.
2. Continue to improve relationships with labor groups and MBTA managers.
3. _____
4. _____

PERSONAL DEVELOPMENT PLAN (To be completed through mutual discussion and agreement between the employee and supervisor during the appraisal discussion. Supervisor is accountable for monitoring progress against this plan.)

AREAS FOR DEVELOPMENT	ACTION STEPS	RESPONSIBILITY	TARGET DATE
<u>Continue to improve administrative duties i.e. timely responses</u>	<u>Continue with program in existence.</u>	<u>EM/WDF</u>	<u>Ongoing</u>

SECTION D: SUMMARY COMMENTS Mr. Mistovich continues to provide a reliable product with the Track Department. His leadership and guidance has helped both maintenance and force account projects to be successful. He has provided valuable information and background to his writer to ease my move to the Boston Division.

OVERALL RATING: The overall rating should be determined based upon all ratings received with consideration given to the importance of each accountability. (Plus (+) and minus (-) may be used with the overall number rating to further distinguish performance level).

3+

OVERALL RATING
(1,2,3,4 or 5)

EMPLOYEE COMMENTS (OPTIONAL): _____

SUPERVISOR: W. D. Fencil
(TYPE OR PRINT)
SECONDARY REVIEWER: B. R. Pohlot
L. W. Bullock
(TYPE OR PRINT)

W.D. Fencil 1/9/89
(SIGNATURE) (DATE)
B.R. Pohlot 1-24-89
(SIGNATURE) (DATE)
L.W. Bullock 1-26-89
(SIGNATURE) (DATE)

E. Mistovich 2/2/89
(SIGNATURE) (DATE)

My signature indicates that I have a copy of my job description and reviewed my evaluation with my supervisor. It does not imply



Mistovich Aff- Exh. B

**ANNUAL PERFORMANCE EVALUATION
FOR MANAGEMENT EMPLOYEES**

P15

PERSONNEL USE ONLY

CONFIDENTIAL

ST NAME Mistovich	INITIALS E.	SOCIAL SECURITY NUMBER 016-44-8850	APPRAISAL PERIOD 01/01/89 TO 01/01/90
DEPARTMENT DURING APPRAISAL PERIOD	RES/LOC 9651	LOCATION Boston	NEXT APPRAISAL DUE NOV 1 DAY 1990
JOB TITLE DURING APPRAISAL PERIOD Assistant Division Engr.-Track	JOB CODE 6NC30	MONTHS IN POSITION 36	HIRE DATE TO MANAGEMENT 01/16/78

USE THE FOLLOWING SEQUENCE IN COMPLETING THIS APPRAISAL

FORMALLY REVIEW EACH EMPLOYEE'S PERFORMANCE AT LEAST ONCE A YEAR. PERFORMANCE SHOULD BE INFORMALLY REVIEWED ONCE A QUARTER OR SEMI-ANNUALLY.

COMPLETE ALL SECTIONS EXCEPT THE PERSONAL DEVELOPMENT PLAN ON LAST PAGE. SEND FORM TO THE SECONDARY REVIEWER FOR APPROVAL.

BEFORE MEETING WITH THE EMPLOYEE FOR THE FORMAL APPRAISAL SESSION, GIVE THE EMPLOYEE A COPY OF THIS FORM AND ASK HIM/HER TO USE IT AS A BASIS FOR THINKING ABOUT HIS/HER PERFORMANCE AND DEVELOPMENT NEEDS.

DISCUSS THE COMPLETED PERFORMANCE EVALUATION WITH THE EMPLOYEE. MODIFY IF NECESSARY. COMPLETE THE PERSONAL DEVELOPMENT PLAN THROUGH MUTUAL DISCUSSION AND AGREEMENT. REVIEW AND CHANGE THE POSITION DESCRIPTION AS APPROPRIATE DURING THIS PROCESS.

AFTER COMPLETION OF THE APPRAISAL INTERVIEW, HAVE THE EMPLOYEE REVIEW, SIGN AND COMMENT IN THE SPACES PROVIDED. (COMMENTS ARE OPTIONAL.) GIVE THE EMPLOYEE A COPY OF THE EVALUATION. SEND COMPLETED ORIGINAL TO PERSONNEL DEPARTMENT FOR PERMANENT RECORDS STORAGE.

SECTION A: PERFORMANCE FACTORS-Rate the employee's performance during this evaluation period by checking appropriate scale.

NOT APPL. TO POSITION		EXCEEDS REQUIREMENTS	ACCEPTABLE TO POSITION	IMPROVEMENT NEEDED
<input type="checkbox"/>	1. Verbal communications	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	2. Writing skills	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	3. Gets along well with others	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	4. Cooperation, teamwork	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	5. Ability to work under pressure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	6. Management of own work time	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	7. Ability to anticipate and avoid problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	8. Keeps supervisor/superior informed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	9. Timeliness in meeting deadlines/schedules	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	10. Completeness of assignments	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMMENTS: (IDENTIFY BY ITEM NUMBER AND MAKE COMMENTS AS NEEDED)

#1 & 8 - Eli's verbal skills enables him to get his "message" across to subordinates, staff and myself. He continues to provide the best information of all ADE's and outlines his work on a regular basis.

SECTION B: ACCOUNTABILITY RATINGS-All "comments on performance" must fully and completely justify the rating given, e.g., A TWO rating, comments must clearly specify how individual generated results above those expected of position.

DEFINITIONS OF CATEGORIES USED: (Plus (+) and minus (-) may be used with the number rating to further distinguish performance level.)

ONE: Extraordinary and exceptional accomplishments with significant contribution to objectives of the department or the division.

TWO: Consistently generates results above those expected of the position. Contributes in a superior manner to innovations both technical and functional. Demonstrates ability to get good results from others.

THREE: Fulfills all major position requirements and generates desired results. There may be a minor deviation above or below expectations but the general level of performance accomplishes what the job was designed to do.

FOUR: Category for an employee with sufficient time and experience in position who shows shortcomings in major position requirements. Also category for inexperienced employee who is progressing adequately, but not yet fulfilling all position requirements.

FIVE: Overall work performance is unsatisfactory and does not meet minimum job standards.

KEY ACCOUNTABILITY

IS ONE OF THE PRIMARY RESPONSIBILITIES OF ALL SUPERVISORS AND MANAGERS TO ADHERE TO AND COMPLY WITH THE FOLLOWING FIVE AREAS OF JOB PERFORMANCE. THESE ACCOUNTABILITIES ARE IMPORTANT AND EACH INDIVIDUAL'S PERFORMANCE SHOULD BE VALUATED INDEPENDENTLY OF THE OTHER KEY JOB ACCOUNTABILITIES AND THE SUBSEQUENT RESULTS ACHIEVED. EACH OF THE FIVE REAS SHOULD BE ADDRESSED IN THE COMMENTS SECTION BELOW, WHERE APPLICABLE, AND INCLUDE SPECIFIC QUANTITATIVE REMARKS.

- ADHERES TO ALL AFFIRMATIVE ACTION PROGRAMS AND ENSURES OPEN ACCESS TO ALL DEVELOPMENTAL AND PROMOTIONAL OPPORTUNITIES IN AN ENVIRONMENT OF NON-DISCRIMINATION.
- ADHERES TO ALL CORPORATE PERSONNEL POLICIES AND SOUND MANAGERIAL PRINCIPLES.
- EFFECTIVELY UTILIZES AMTRAK FINANCIAL RESOURCES (BUDGETS, COST CONTROLS, ETC.) AND
- EXAMINES, RECOMMENDS AND IMPLEMENTS VARIOUS AREAS OF POSSIBLE PRODUCTIVITY IMPROVEMENTS.
- COMPLIES WITH SAFETY AND OPERATING RULES TO ENSURE A SAFE, CLEAN ENVIRONMENT FOR EMPLOYEES AND THE PUBLIC.

COMMENTS ON PERFORMANCE**RATING 2-**

°Eli continued his dedicated effort in the area of hiring this year, without sacrificing any of his other responsibilities. By year's end, more than 250 were interviewed with 100+ being hired. Eli maintained his strict adherence to AAP programs and corporate policies.

°Eli utilized extremely effective cost controls in dealing with an early overtime problem. He is continuing to work in this area and places controls as necessary.

°Eli has worked with maintenance forces to improve productivity and has assisted the Force Account Staff by doing the same.

2. KEY ACCOUNTABILITY-Instills in subordinates the fact that safety is a corporate priority and a successful safety program is a prime responsibility of all supervisory personnel. Consistently observes, corrects and trains subordinates to ensure compliance with safety rules, corporate safety policies and procedures. Monitors the work environment for cleanliness and safety.

COMMENTS ON PERFORMANCE**RATING 2+**

Eli's group has done extremely well in this area with a current year-to-date ratio of 5.3% - below both Corporate and Engineering goals. This is not only a reduction from last year's 6.7% goal but also a reduction in Year-to-date total injuries, lost time cases and FRA injuries. A large effort was made in STOP to help continue this trend.

3. KEY ACCOUNTABILITY

Supervises subordinates in the construction and maintenance of track and associated appurtenance. Guidance is provided to subordinates with daily contact, training and review of projects and work requirements.

COMMENTS ON PERFORMANCE**RATING 2-**

Eli provides excellent leadership to his subordinates with written instructions and daily meetings. Several training programs were personally attended and lead by Eli and his staff to ensure a high level of instruction. The Track Group is the best organized and managed Department in Commuter Engineering.

KEY ACCOUNTABILITY

Must meet maintenance and production goals with budget and appropriate time frames.
Must be flexible to address emergency situations as they arise.

COMMENTS ON PERFORMANCE

25%
RATING 2

Not only were last year's goals met, production units increased over an extremely good year before figures. This work was accomplished with minimal impact to train operations. Many critical areas were remedied to improve service and reduce restrictions (Andover St., Derby Curve). Although beyond his scope, Eli led the Force Account group through many projects to achieve a good final product (Wellington).

KEY ACCOUNTABILITY

Responsible for technical expertise in railroad maintenance and construction and the compliance with all related regulations.

COMMENTS ON PERFORMANCE

RATING 3+

Eli continues to maintain a high degree of proficiency in both technical and federal regulations concerning track. He has also increased his knowledge in the area of vegetation management by volunteering to go to town and consultant meetings. Great improvement was made in inspections and meeting dates.

KEY ACCOUNTABILITY

Comply in a timely fashion with all administrative material inventory and other managerial functions as required by the position.

COMMENTS ON PERFORMANCE

RATING 3

The material inventory was completed on a timely and accurate basis with accolades from the auditors. All time claims were addressed promptly and labor issues dealt with expeditiously. Great inroads were made over last year's performance in this accountability. A good relationship was developed with MBTA managers during this time frame.

KEY ACCOUNTABILITY

COMMENTS ON PERFORMANCE

RATING

3. KEY ACCOUNTABILITY

COMMENTS ON PERFORMANCE

RATING

SECTION C: PERSONAL DEVELOPMENT

EMPLOYEE STRENGTHS

Team player willing to help other managers and Departments.

Technical expertise that continues to grow.

Good communication skills especially with Senior Engineer.

AREAS NEEDING IMPROVEMENT

Continue work with labor and MBTA issues.

Continue to develop subordinates.

PERSONAL DEVELOPMENT PLAN (To be completed through mutual discussion and agreement between the employee and supervisor during the appraisal discussion. Supervisor is accountable for monitoring progress against this plan.)

AREAS FOR DEVELOPMENT	ACTION STEPS	RESPONSIBILITY	TARGET DATE

SECTION D: SUMMARY COMMENTS Eli worked hard this past year to better himself and his Department--by all counts he has achieved this. He is a dedicated employee and a valuable asset to the Corporation.

OVERALL RATING: The overall rating should be determined based upon all ratings received with consideration given to the importance of each accountability. (Plus (+) and minus (-) may be used with the overall number rating to further distinguish performance level).

2-

OVERALL RATING
(1,2,3,4 or 5)

EMPLOYEE COMMENTS (OPTIONAL):

SUPERVISOR: W.D. Fencil
(TYPE OR PRINT)

W.D. Fencil
(SIGNATURE)

12/21/89
(DATE)

SECONDARY REVIEWER: Lee W. Bullock
(TYPE OR PRINT)

[Signature]
(SIGNATURE)

1-3-89
(DATE)

My signature indicates that I have a copy of my job description and reviewed my evaluation with my supervisor. It does not imply

ANNUAL PERFORMANCE EVALUATION FOR MANAGEMENT EMPLOYEES

P15

PERSONNEL USE ONLY

CONFIDENTIAL

LAST NAME <i>Mistovich</i>	INITIALS <i>E.</i>	SOCIAL SECURITY NUMBER <i>016-44-8850</i>	APPRAISAL PERIOD <i>1/1/91 TO 1/1/92</i>
DEPARTMENT DURING APPRAISAL PERIOD <i>Engineering - Commuter</i>	RES/LOC <i>9651</i>	LOCATION <i>Boston, MA</i>	NEXT APPRAISAL DUE MO <i>1</i> DAY <i>1</i> YR <i>93</i>
JOB TITLE DURING APPRAISAL PERIOD <i>A.D.E. - Track</i>	JOB CODE <i>6NC30</i>	MONTHS IN POSITION <i>60</i>	HIRE DATE TO MANAGEMENT <i>1/16/78</i>

USE THE FOLLOWING SEQUENCE IN COMPLETING THIS APPRAISAL

1. FORMALLY REVIEW EACH EMPLOYEE'S PERFORMANCE AT LEAST ONCE A YEAR. PERFORMANCE SHOULD BE INFORMALLY REVIEWED ONCE A QUARTER OR SEMI-ANNUALLY.
2. COMPLETE ALL SECTIONS EXCEPT THE PERSONAL DEVELOPMENT PLAN ON LAST PAGE. SEND FORM TO THE SECONDARY REVIEWER FOR APPROVAL.
3. BEFORE MEETING WITH THE EMPLOYEE FOR THE FORMAL APPRAISAL SESSION, GIVE THE EMPLOYEE A COPY OF THIS FORM AND ASK HIM/HER TO USE IT AS A BASIS FOR THINKING ABOUT HIS/HER PERFORMANCE AND DEVELOPMENT NEEDS.
4. DISCUSS THE COMPLETED PERFORMANCE EVALUATION WITH THE EMPLOYEE. MODIFY IF NECESSARY. COMPLETE THE PERSONAL DEVELOPMENT PLAN THROUGH MUTUAL DISCUSSION AND AGREEMENT. REVIEW AND CHANGE THE POSITION DESCRIPTION AS APPROPRIATE DURING THIS PROCESS.
5. AFTER COMPLETION OF THE APPRAISAL INTERVIEW, HAVE THE EMPLOYEE REVIEW, SIGN AND COMMENT IN THE SPACES PROVIDED. (COMMENTS ARE OPTIONAL.) GIVE THE EMPLOYEE A COPY OF THE EVALUATION. SEND COMPLETED ORIGINAL TO PERSONNEL DEPARTMENT FOR PERMANENT RECORDS STORAGE.

SECTION A: PERFORMANCE FACTORS-Rate the employee's performance during this evaluation period by checking appropriate scale.

NOT APPL.
TO POSITIONEXCEEDS
REQUIREMENTSACCEPTABLE
TO POSITIONIMPROVEMENT
NEEDED

- | | | | | |
|--------------------------|--|-------------------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | 1. Verbal communications | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | 2. Writing skills | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | 3. Gets along well with others | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | 4. Cooperation, teamwork | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | 5. Ability to work under pressure | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | 6. Management of own work time | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | 7. Ability to anticipate and avoid problems | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | 8. Keeps supervisor/superior informed | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | 9. Timeliness in meeting deadlines/schedules | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | 10. Completeness of assignments | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

COMMENTS: (IDENTIFY BY ITEM NUMBER AND MAKE COMMENTS AS NEEDED)

4 & 6. Eli pressures his staff to work as a team, this is aided by daily contact and information to ensure coordinated efforts. 6 & 8. Eli manages to juggle administrative and field duties well with no impact to the valuable information given to the Senior Engineer on a daily basis.

SECTION B: ACCOUNTABILITY RATINGS-All "comments on performance" must fully and completely justify the rating given, e.g., A TWO rating, comments must clearly specify how individual generated results above those expected of position.

DEFINITIONS OF CATEGORIES USED: (Plus (+) and minus (-) may be used with the number rating to further distinguish performance level.)

ONE: Extraordinary and exceptional accomplishments with significant contribution to objectives of the department or the division.

TWO: Consistently generates results above those expected of the position. Contributes in a superior manner to innovations both technical and functional. Demonstrates the ability to get good results from others.

THREE: Fulfills all major position requirements and generates desired results. There may be a minor deviation above or below expectations but the general level of performance accomplishes what the job was designed to do.

FOUR: Category for an employee with sufficient time and experience in position who shows shortcomings in major position requirements. Also category for new/inexperienced employee who is progressing adequately, but not yet fulfilling all position requirements.

FIVE: Overall work performance is unsatisfactory and does not meet minimum job standards.

1. KEY ACCOUNTABILITY

IT IS ONE OF THE PRIMARY RESPONSIBILITIES OF ALL SUPERVISORS AND MANAGERS TO ADHERE TO AND COMPLY WITH THE FOLLOWING FIVE AREAS OF JOB PERFORMANCE. THESE ACCOUNTABILITIES ARE IMPORTANT AND EACH INDIVIDUAL'S PERFORMANCE SHOULD BE EVALUATED INDEPENDENTLY OF THE OTHER KEY JOB ACCOUNTABILITIES AND THE SUBSEQUENT RESULTS ACHIEVED. EACH OF THE FIVE AREAS SHOULD BE ADDRESSED IN THE COMMENTS SECTION BELOW, WHERE APPLICABLE, AND INCLUDE SPECIFIC QUANTITATIVE REMARKS.

- ADHERES TO ALL AFFIRMATIVE ACTION PROGRAMS AND ENSURES OPEN ACCESS TO ALL DEVELOPMENTAL AND PROMOTIONAL OPPORTUNITIES IN AN ENVIRONMENT OF NON-DISCRIMINATION.
- ADHERES TO ALL CORPORATE PERSONNEL POLICIES AND SOUND MANAGERIAL PRINCIPLES.
- EFFECTIVELY UTILIZES AMTRAK FINANCIAL RESOURCES (BUDGETS, COST CONTROLS, ETC.) AND
- EXAMINES, RECOMMENDS AND IMPLEMENTS VARIOUS AREAS OF POSSIBLE PRODUCTIVITY IMPROVEMENTS.
- COMPLIES WITH SAFETY AND OPERATING RULES TO ENSURE A SAFE, CLEAN ENVIRONMENT FOR EMPLOYEES AND THE PUBLIC.

COMMENTS ON PERFORMANCE**RATING** 2

- ° *Eli maintains an atmosphere conducive to the equal development of all employees. Adhering to all corporate policies and procedures.*
- ° *Eli once again used sound budgetary management to bring the Track Department in 3% under budget for the second consecutive year. Effective controls and material management also contributed to this excellent achievement.*
- ° *Productivity continued to increase along with the quality of the finished product. Once again Eli and his staff participated in the planning and supervising of many Force Account Projects. This task is above and beyond assigned duties and responsibilities.*

- 2. KEY ACCOUNTABILITY:** *Instills in subordinates the fact that safety is corporate priority and a successful safety program is a prime responsibility of all supervisory personnel. Consistently observes, corrects and trains subordinates to ensure compliance with safety rules, corporate safety policies and procedures. Monitors the work environment for cleanliness and safety.*

~~**2. KEY ACCOUNTABILITY**~~**COMMENTS ON PERFORMANCE****RATING** 2+

The Track Department continued to lower all categories of injuries, finishing the year with a ratio of 4.6%. This is not only below last years ratio of 6.8% but also below the Commuter goal of 6.27 and the Division goal of 5.73. Emphasis was again placed on STOP and weekly meetings.

3. KEY ACCOUNTABILITY

Supervises subordinates in the construction and maintenance of track and associated appurtenances. Guidance is provided to subordinates with daily contact, training and review of projects and work requirements.

COMMENTS ON PERFORMANCE**RATING** 2

One of the strongest points in the Track Department is the coordination of activities within the Department. Eli starts this process with the daily notes and updates to his staff. A sound foundation of teamwork has been established - the results prove it.

4. KEY ACCOUNTABILITY

Must meet maintenance and production goals within budget and during appropriate time frames. Must be flexible to address emergency situations as they arise.

COMMENTS ON PERFORMANCE**RATING** 2+

Eli set higher goals this year in the area of maintenance and production and once again exceeded them. During recent meetings the "T" expressed their satisfaction with the Track Department's work. In part this is due to the aggressive programs that led again to a decrease in Sperry Rail defects. Excellent. Emergency situations were quickly responded to and addressed.

5. KEY ACCOUNTABILITY

Responsible for technical expertise in railroad maintenance and construction and the compliance with all related regulations.

COMMENTS ON PERFORMANCE**RATING** 3+

Eli's technical background is excellent. He has added to and expanded this knowledge through his efforts in vegetation management. Commuter Rail had the first successful spray program largely due to Eli's hard work. The Track Department staff also showed improvement in this area. Continued work is necessary to ensure no future problems.

6. KEY ACCOUNTABILITY

Comply in a timely fashion with all administrative, material inventory and other managerial functions as required by the position.

COMMENTS ON PERFORMANCE**RATING** 3+

All administrative duties were handled well and in a timely fashion. Material inventories showed less than 1% variance this year. Continued positive relationships were had with MBTA counterparts. Eli continued to provide this writer with valuable input on a daily basis.

7. KEY ACCOUNTABILITY**COMMENTS ON PERFORMANCE****RATING****8. KEY ACCOUNTABILITY****COMMENTS ON PERFORMANCE****RATING**

EMPLOYEE STRENGTHS

1. Continual expansion of technical expertise.
2. Organized team manager.
3. Good communication.
4. Ability to keep staff motivated during demanding times.
5. _____

AREAS NEEDING IMPROVEMENT

1. Continue to strengthen staff on environmental issues.
2. _____
3. _____
4. _____

PERSONAL DEVELOPMENT PLAN (To be completed through mutual discussion and agreement between the employee and supervisor during the appraisal discussion. Supervisor is accountable for monitoring progress against this plan.)

AREAS FOR DEVELOPMENT	ACTION STEPS	RESPONSIBILITY	TARGET DATE

SECTION D: SUMMARY COMMENTS The Track Department continues to be the best organized, managed and improved department. As developed through the evaluation text, this is due to Eli's outstanding abilities as a manager.

OVERALL RATING: The overall rating should be determined based upon all ratings received with consideration given to the importance of each accountability. (Plus (+) and minus (-) may be used with the overall number rating to further distinguish performance level).

2

OVERALL RATING
(1,2,3,4 or 5)

EMPLOYEE COMMENTS (OPTIONAL): _____

SUPERVISOR:

W. D. Fencil

(TYPE OR PRINT)

W D Fencil
(SIGNATURE)1/20/92

(DATE)

SECONDARY
REVIEWER:B. R. Pohlott

(TYPE OR PRINT)

B R Pohlott
(SIGNATURE)1-28-92

(DATE)

EMPLOYEE'S SIGNATURE

DATE

My signature indicates that I have a copy of my job description and reviewed my evaluation with my supervisor. It does not imply that I agree or disagree with the contents of this performance evaluation.



Mistovich Aff Ex. B

**ANNUAL PERFORMANCE EVALUATION
FOR MANAGEMENT EMPLOYEES**

P15

PERSONNEL USE ONLY

CONFIDENTIAL

LAST NAME Mistovich	INITIALS E.	SOCIAL SECURITY NUMBER 016-44-8850	APPRAISAL PERIOD 1/1/92 TO 1/1/93
DEPARTMENT DURING APPRAISAL PERIOD Engineering - Commuter	RES/LOC 9651	LOCATION Boston	NEXT APPRAISAL DUE MO 01 DAY 01 YR 94
JOB TITLE DURING APPRAISAL PERIOD A.D.E. - Track	JOB CODE 6NC30	MONTHS IN POSITION 72	HIRE DATE TO MANAGEMENT 1/16/78

USE THE FOLLOWING SEQUENCE IN COMPLETING THIS APPRAISAL

1. FORMALLY REVIEW EACH EMPLOYEE'S PERFORMANCE AT LEAST ONCE A YEAR. PERFORMANCE SHOULD BE INFORMALLY REVIEWED ONCE A QUARTER OR SEMI-ANNUALLY.
2. COMPLETE ALL SECTIONS EXCEPT THE PERSONAL DEVELOPMENT PLAN ON LAST PAGE. SEND FORM TO THE SECONDARY REVIEWER FOR APPROVAL.
3. BEFORE MEETING WITH THE EMPLOYEE FOR THE FORMAL APPRAISAL SESSION, GIVE THE EMPLOYEE A COPY OF THIS FORM AND ASK HIM/HER TO USE IT AS A BASIS FOR THINKING ABOUT HIS/HER PERFORMANCE AND DEVELOPMENT NEEDS.
4. DISCUSS THE COMPLETED PERFORMANCE EVALUATION WITH THE EMPLOYEE. MODIFY IF NECESSARY. COMPLETE THE PERSONAL DEVELOPMENT PLAN THROUGH MUTUAL DISCUSSION AND AGREEMENT. REVIEW AND CHANGE THE POSITION DESCRIPTION AS APPROPRIATE DURING THIS PROCESS.
5. AFTER COMPLETION OF THE APPRAISAL INTERVIEW, HAVE THE EMPLOYEE REVIEW, SIGN AND COMMENT IN THE SPACES PROVIDED. (COMMENTS ARE OPTIONAL.) GIVE THE EMPLOYEE A COPY OF THE EVALUATION. SEND COMPLETED ORIGINAL TO PERSONNEL DEPARTMENT FOR PERMANENT RECORDS STORAGE.

SECTION A: PERFORMANCE FACTORS-Rate the employee's performance during this evaluation period by checking appropriate scale.

NOT APPL. TO POSITION		EXCEEDS REQUIREMENTS	ACCEPTABLE TO POSITION	IMPROVEMENT NEEDED
<input type="checkbox"/>	1. Verbal communications	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	2. Writing skills	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	3. Gets along well with others	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	4. Cooperation, teamwork	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	5. Ability to work under pressure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	6. Management of own work time	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	7. Ability to anticipate and avoid problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	8. Keeps supervisor/superior informed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	9. Timeliness in meeting deadlines/schedules	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	10. Completeness of assignments	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMMENTS: [IDENTIFY BY ITEM NUMBER AND MAKE COMMENTS AS NEEDED]

4,6 & 8 - As developed in Section 'B' - Eli's strength as a manager lies in his organizational and communication skills. Daily information (written & verbal) provide valued insight to staff and Senior Engineer.

SECTION B: ACCOUNTABILITY RATINGS-All "comments on performance" must fully and completely justify the rating given, e.g., A TWO rating, comments must clearly specify how individual generated results above those expected of position.

DEFINITIONS OF CATEGORIES USED: (Plus (+) and minus (-) may be used with the number rating to further distinguish performance level.)

ONE: Extraordinary and exceptional accomplishments with significant contribution to objectives of the department or the division.

TWO: Consistently generates results above those expected of the position. Contributes in a superior manner to innovations both technical and functional. Demonstrates the ability to get good results from others.

THREE: Fulfills all major position requirements and generates desired results. There may be a minor deviation above or below expectations but the general level of performance accomplishes what the job was designed to do.

FOUR: Category for an employee with sufficient time and experience in position who shows shortcomings in major position requirements. Also category for new/inexperienced employee who is progressing adequately, but not yet fulfilling all position requirements.

FIVE: Overall work performance is unsatisfactory and does not meet minimum job standards.

1. KEY ACCOUNTABILITY

IT IS ONE OF THE PRIMARY RESPONSIBILITIES OF ALL SUPERVISORS AND MANAGERS TO ADHERE TO AND COMPLY WITH THE FOLLOWING FIVE AREAS OF JOB PERFORMANCE. THESE ACCOUNTABILITIES ARE IMPORTANT AND EACH INDIVIDUAL'S PERFORMANCE SHOULD BE EVALUATED INDEPENDENTLY OF THE OTHER KEY JOB ACCOUNTABILITIES AND THE SUBSEQUENT RESULTS ACHIEVED. EACH OF THE FIVE AREAS SHOULD BE ADDRESSED IN THE COMMENTS SECTION BELOW, WHERE APPLICABLE, AND INCLUDE SPECIFIC QUANTITATIVE REMARKS.

- ADHERES TO ALL AFFIRMATIVE ACTION PROGRAMS AND ENSURES OPEN ACCESS TO ALL DEVELOPMENTAL AND PROMOTIONAL OPPORTUNITIES IN AN ENVIRONMENT OF NON-DISCRIMINATION.
- ADHERES TO ALL CORPORATE PERSONNEL POLICIES AND SOUND MANAGERIAL PRINCIPLES.
- EFFECTIVELY UTILIZES AMTRAK FINANCIAL RESOURCES (BUDGETS, COST CONTROLS, ETC.) AND
- EXAMINES, RECOMMENDS AND IMPLEMENTS VARIOUS AREAS OF POSSIBLE PRODUCTIVITY IMPROVEMENTS.
- COMPLIES WITH SAFETY AND OPERATING RULES TO ENSURE A SAFE, CLEAN ENVIRONMENT FOR EMPLOYEES AND THE PUBLIC.

COMMENTS ON PERFORMANCE

RATING 2

- X
- ° Eli perpetuates an environment favorable to the equal growth of all employees, heeding corporate policies and procedures.
 - ° For the 3rd. consecutive year, Eli brought the Track Department in under budget (\$37,167) controls and effective material management were once again used to achieve this result.
 - ° Eli and the rest of the Track Department continued to help supervise and monitor many Force Account projects. This is a task over and above assigned accountabilities and was performed with no impact to other responsibilities.

2. KEY ACCOUNTABILITY:

Instills in subordinates the fact that safety is a corporate priority and a successful safety program is a prime responsibility of all supervisory personnel. Consistently observes, corrects and trains subordinates to ensure compliance with safety rules, corporate safety policies and procedures. Monitors the work environment for cleanliness and safety.

~~XXXXX ACCOUNTABILITY XXX~~

COMMENTS ON PERFORMANCE

RATING 2+

Track finished the year with an impressive ratio of 2.15%. Well below the goal of 5.6%. Once again all categories of injuries were reduced. Continued hard work will keep this outstanding feat continue into 1993. GREAT JOB.

3. KEY ACCOUNTABILITY

Supervises subordinates in the construction and maintenance of track and associated appurtenances. Guidance is provided to subordinates with daily contact, training & review of projects and work requirements.

COMMENTS ON PERFORMANCE

RATING 2

Eli is well organized and provides worthwhile guidance to his subordinates on a daily basis. His staff is continually updated and kept abreast of all activities. The track staff is a well coordinated team. Eli spends time with each Roadmaster for training and maintenance project reviews.

4. KEY ACCOUNTABILITY

Must meet maintenance and production goals with budget and appropriate time frames. Must be flexible to address emergency situations as they arise.

COMMENTS ON PERFORMANCE**RATING** 2+

Typical of previous years, the Track Department continued to do more than required by the MBTA. The maintenance program goals were exceeded: 31,237 ties were installed, 7 rail lubricators were installed etc. Several damaging storms were handled professionally and quickly. This prevented long delays to the commuters and a safe trip in severe weather.

5. KEY ACCOUNTABILITY

Responsible for technical expertise in railroad maintenance and construction and the compliance with all related regulations.

COMMENTS ON PERFORMANCE**RATING** 2-

Eli continues to hone the skills of the Track Staff through his superb technical proficiency. Environmental issues were handled with professional sensitivity and without incident. Hard work and long hours (mostly of his own time) were spent on the vegetation plan. The program was personally administered by Eli.

6. KEY ACCOUNTABILITY

Comply in a timely fashion with all administrative material inventory and other managerial functions as required by the position.

COMMENTS ON PERFORMANCE**RATING** 3

Eli's administrative functions were managed effectively and in a propitious manner. Eli filled in for the Senior Engineer during vacations and business trips. He continued to furnish worthwhile information on a consistent basis. Field time was increased over previous years, this helped aid staff in many administrative functions. *Eli must carefully consider the possible "political" outcome when dealing with sensitive contract issues.*

7. KEY ACCOUNTABILITY**COMMENTS ON PERFORMANCE****RATING****8. KEY ACCOUNTABILITY****COMMENTS ON PERFORMANCE****RATING**

EMPLOYEE STRENGTHS

1. Technical proficiency

2. Well organized

3. Dependable

4. Good communicator

5.

AREAS NEEDING IMPROVEMENT

1. Continue working and training staff in administrative functions

2.

3.

4.

PERSONAL DEVELOPMENT PLAN (To be completed through mutual discussion and agreement between the employee and supervisor during the appraisal discussion. Supervisor is accountable for monitoring progress against this plan.)

AREAS FOR DEVELOPMENT	ACTION STEPS	RESPONSIBILITY	TARGET DATE

SECTION D: SUMMARY COMMENTS Eli is a solid, dependable manager. His abilities are more than ready to be tested by greater responsibilities and challenges.

OVERALL RATING: The overall rating should be determined based upon all ratings received with consideration given to the importance of each accountability. (Plus (+) and minus (-) may be used with the overall number rating to further distinguish performance level).

2

OVERALL RATING
(1,2,3,4 or 5)

EMPLOYEE COMMENTS (OPTIONAL):

SUPERVISOR: W. D. Fencil
(TYPE OR PRINT)

(SIGNATURE)

1/18/93
(DATE)

SECONDARY
REVIEWER: B. R. Pohlot
(TYPE OR PRINT)

(SIGNATURE)

1-21-93
(DATE)

EMPLOYEE'S SIGNATURE

DATE

My signature indicates that I have a copy of my job description and reviewed my evaluation with my supervisor. It does not imply that I agree or disagree with the contents of this performance evaluation.



Mistovich Aff. Exh. E

**ANNUAL PERFORMANCE EVALUATION
FOR MANAGEMENT EMPLOYEES**

P15

PERSONNEL USE ONLY

CONFIDENTIAL

LAST NAME Mistovich		INITIALS E.		SOCIAL SECURITY NUMBER 016-44-8850		APPRAISAL PERIOD 1/1/93 TO 1/1/94	
DEPARTMENT DURING APPRAISAL PERIOD Engineering - Commuter		RESCEN 9651	FIS LOCATION		MSA LOCATION Boston, MA	NEXT APPRAISAL DUE MO 01 DAY 01 YR 95	
JOB TITLE DURING APPRAISAL PERIOD A.D.E. Track		JOB CODE 6NC30		MONTHS IN POSITION		HIRE DATE TO MANAGEMENT 1/16/78	

USE THE FOLLOWING SEQUENCE IN COMPLETING THIS APPRAISAL

1. FORMALLY REVIEW EACH EMPLOYEE'S PERFORMANCE AT LEAST ONCE A YEAR. PERFORMANCE SHOULD BE INFORMALLY REVIEWED ONCE A QUARTER OR SEMI-ANNUALLY.
2. COMPLETE ALL SECTIONS EXCEPT THE PERSONAL DEVELOPMENT PLAN ON LAST PAGE. SEND FORM TO THE SECONDARY REVIEWER FOR APPROVAL.
3. BEFORE MEETING WITH THE EMPLOYEE FOR THE FORMAL APPRAISAL SESSION, GIVE THE EMPLOYEE A COPY OF THIS FORM AND ASK HIM/HER TO USE IT AS A BASIS FOR THINKING ABOUT HIS/HER PERFORMANCE AND DEVELOPMENT NEEDS.
4. DISCUSS THE COMPLETED PERFORMANCE EVALUATION WITH THE EMPLOYEE. MODIFY IF NECESSARY. COMPLETE THE PERSONAL DEVELOPMENT PLAN THROUGH MUTUAL DISCUSSION AND AGREEMENT. REVIEW AND CHANGE THE POSITION DESCRIPTION AS APPROPRIATE DURING THIS PROCESS.
5. AFTER COMPLETION OF THE APPRAISAL INTERVIEW, HAVE THE EMPLOYEE REVIEW, SIGN AND COMMENT IN THE SPACES PROVIDED. (COMMENTS ARE OPTIONAL.) GIVE THE EMPLOYEE A COPY OF THE EVALUATION. SEND COMPLETED ORIGINAL TO PERSONNEL DEPARTMENT FOR PERMANENT RECORDS STORAGE.

SECTION A: PERFORMANCE FACTORS-Rate the employee's performance during this evaluation period by checking appropriate scale.

NOT APPL.
TO POSITIONEXCEEDS
REQUIREMENTSACCEPTABLE
TO POSITIONIMPROVEMENT
NEEDED

<input type="checkbox"/>	1. Verbal communications	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	2. Writing skills	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	3. Gets along well with others	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	4. Cooperation, teamwork	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	5. Ability to work under pressure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	6. Management of own work time	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	7. Ability to anticipate and avoid problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	8. Keeps supervisor/superior informed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	9. Timeliness in meeting deadlines/schedules	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	10. Completeness of assignments	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMMENTS: [IDENTIFY BY ITEM NUMBER AND MAKE COMMENTS AS NEEDED]

Eli is an organized and well skilled manager, Items 4, 6 & 8 are developed through the text of Section B.

SECTION B: ACCOUNTABILITY RATINGS-All "comments on performance" must fully and completely justify the rating given, e.g., A TWO rating, comments must clearly specify how individual generated results above those expected of position.

DEFINITIONS OF CATEGORIES USED: (Plus (+) and minus (-) may be used with the number rating to further distinguish performance level.)

ONE: Extraordinary and exceptional accomplishments with significant contribution to objectives of the department or the division.

TWO: Consistently generates results above those expected of the position. Contributes in a superior manner to innovations both technical and functional. Demonstrates ability to get good results from others.

THREE: Fulfills all major position requirements and generates desired results. There may be a minor deviation above or below expectations but the general level of performance accomplishes what the job was designed to do.

FOUR: Category for an employee with sufficient time and experience in position who shows shortcomings in major position requirements. Also category for new/inexperienced employee who is progressing adequately, but not yet fulfilling all position requirements.

FIVE: Overall work performance is unsatisfactory and does not meet minimum job standards.

1. KEY ACCOUNTABILITY

IT IS ONE OF THE PRIMARY RESPONSIBILITIES OF ALL SUPERVISORS AND MANAGERS TO ADHERE TO AND COMPLY WITH THE FOLLOWING FIVE AREAS OF JOB PERFORMANCE. THESE ACCOUNTABILITIES ARE IMPORTANT AND EACH INDIVIDUAL'S PERFORMANCE SHOULD BE EVALUATED INDEPENDENTLY OF THE OTHER KEY JOB ACCOUNTABILITIES AND THE SUBSEQUENT RESULTS ACHIEVED. EACH OF THE FIVE AREAS SHOULD BE ADDRESSED IN THE COMMENTS SECTION BELOW, WHERE APPLICABLE, AND INCLUDE SPECIFIC QUANTITATIVE REMARKS.

- ADHERES TO ALL AFFIRMATIVE ACTION PROGRAMS AND ENSURES OPEN ACCESS TO ALL DEVELOPMENTAL AND PROMOTIONAL OPPORTUNITIES IN AN ENVIRONMENT OF NON-DISCRIMINATION.
- ADHERES TO ALL CORPORATE PERSONNEL POLICIES AND SOUND MANAGERIAL PRINCIPLES.
- EFFECTIVELY UTILIZES AMTRAK FINANCIAL RESOURCES (BUDGETS, COST CONTROLS, ETC.) AND
- EXAMINES, RECOMMENDS AND IMPLEMENTS VARIOUS AREAS OF POSSIBLE PRODUCTIVITY IMPROVEMENTS.
- COMPLIES WITH SAFETY AND OPERATING RULES TO ENSURE A SAFE, CLEAN ENVIRONMENT FOR EMPLOYEES AND THE PUBLIC.

COMMENTS ON PERFORMANCE

RATING 2

- Eli maintains and adheres to Amtrak's programs on Affirmative Action and opportunity. Everyone is treated the same in his dealings with managers and craft personnel.
- The Track Department was on target for the FY 93 budget outside of the additional CRSEP projects and several major rain and snow storms that were not under his control.
- Work continued outside of scope for Eli and his department regarding CRSEP and F/A projects. No impact to regular assignments was evident in spite of the additional responsibilities. This was accomplished through cooperation and teamwork style of management.

2. KEY ACCOUNTABILITY: "Acts to establish safety as an integral and continuous part of all processes and procedures. Motivates subordinates to recognize and act upon the premise that safety is a line management responsibility. Monitors all aspects of work performance, identifies hazards, and acts proactively to protect employees and the public."

~~2. KEY ACCOUNTABILITY~~

COMMENTS ON PERFORMANCE

RATING 3

The Track Department finished the year with a ratio of 7% belying the safety dedication of the group. The excellent example set the previous year shows the the Department can get back to target to reduce injuries. There were some pockets of quality performance with the South side supervisor's group going over 12 months with out a reportable.

3. KEY ACCOUNTABILITY

Supervises subordinates in the construction and maintenance of track and associated appurtenances. Guidance is provided to subordinates with daily contact, training and review of projects and work requirements.

COMMENTS ON PERFORMANCE

RATING 2

Daily job outlines and notes continue to help the Track Department to be the most organized and supervised team. Eli manages, trains, and supervises his subordinates using good organizational and communication skills. Much time is spent with each manager to ensure coordinated efforts with positive results. When situations dictate, special meetings are held to make sure everyone is clear on the task at hand.

SECTION C: PERSONAL DEVELOPMENT

EMPLOYEE STRENGTHS

1. Technical skills and solid experience in track and environmental issues.
2. Team manager.
3. Reliable and dependable.
4. Good communicator with subordinates.
- 5.

AREAS NEEDING IMPROVEMENT

1. Continue working with staff through field time.
2. Strengthen safety program with staff.
- 3.
- 4.

PERSONAL DEVELOPMENT PLAN (To be completed through mutual discussion and agreement between the employee and supervisor during the appraisal discussion. Supervisor is accountable for monitoring progress against this plan.)

AREAS FOR DEVELOPMENT	ACTION STEPS	RESPONSIBILITY	TARGET DATE
Staff	1. Continue progress w/ staff development thru delegation 2. Continue to strengthen safety program w/ staff	1. EM 1. EM/WDF	Ongoing 11

SECTION D: SUMMARY COMMENTS Eli is a team manager that gets the job done consistently.
He has developed an excellent and reliable staff. He is personally dedicated to the
task at hand.

OVERALL RATING: The overall rating should be determined based upon all ratings received with consideration given to the importance of each accountability. (Plus (+) and minus (-) may be used with the overall number rating to further distinguish performance level).

2

OVERALL RATING
(1,2,3,4 or 5)

EMPLOYEE COMMENTS (OPTIONAL):

SUPERVISOR: WDFencil WDFencil 1/5/94
 (TYPE OR PRINT) (SIGNATURE) (DATE)

SECONDARY REVIEWER: B. R. Pohlot B. R. Pohlot 1-17-94
 (TYPE OR PRINT) (SIGNATURE) (DATE)

E. M. [Signature] 2/03/94
 EMPLOYEE'S SIGNATURE DATE

My signature indicates that I have a copy of my job description and reviewed my evaluation with my supervisor. It does not imply

4. KEY ACCOUNTABILITY

Must meet maintenance and production goals with budget and appropriate time frames. Must be flexible to address emergency situations as they arise.

COMMENTS ON PERFORMANCE	Maintenance and production goals continue to be met or exceeded in all categories. Over 30,000 ties were installed (9,480 in program), 6 grade crossings renewed (2 in contract), 8 lubricators installed (4 in program) to mention a few. Once again, adverse weather conditions i.e. snow, wind and rain storms, were handled, repairs made quickly and damages minimized by close coordination and advance planning. Additional trap rock was unloaded at several key areas that were susceptible to flooding and ocean damage.	RATING	2+
-------------------------	--	--------	----

5. KEY ACCOUNTABILITY

Responsible for technical expertise in railroad maintenance and construction and the compliance with all related regulations.

COMMENTS ON PERFORMANCE	Eli has developed the Engineering staff through training by utilizing his technical proficiency and experience. His staff could be successful anywhere in the Corporation or Country primarily due to his dedication to them. All environmental issues were handled properly with several potential concerns mitigated through advance planning and following procedures - ditching and culvert job on Gloucester Branch are some examples.	RATING	2
-------------------------	---	--------	---

6. KEY ACCOUNTABILITY

Comply in a timely fashion with all administrative material inventory and other managerial functions as required by the position.

COMMENTS ON PERFORMANCE	All administrative functions were managed and handled properly and timely. Eli continues to be the lead manager, coordinating activities of other departments when necessary to get the job done. This is over and above his duties as A.D.E. Track. Field time continued to be utilized to the benefit of the staff and Commuter Rail.	RATING	3+
-------------------------	---	--------	----

7. KEY ACCOUNTABILITY

COMMENTS ON PERFORMANCE

RATING

8. KEY ACCOUNTABILITY

COMMENTS ON PERFORMANCE

RATING

SECTION C: PERSONAL DEVELOPMENT

EMPLOYEE STRENGTHS

1. Technical skills and solid experience in track and environmental issues.
2. Team manager.
3. Reliable and dependable.
4. Good communicator with subordinates.
- 5.

AREAS NEEDING IMPROVEMENT

1. Continue working with staff through field time.
2. Strengthen safety program with staff.
- 3.
- 4.

PERSONAL DEVELOPMENT PLAN (To be completed through mutual discussion and agreement between the employee and supervisor during the appraisal discussion. Supervisor is accountable for monitoring progress against this plan.)

AREAS FOR DEVELOPMENT	ACTION STEPS	RESPONSIBILITY	TARGET DATE

SECTION D: SUMMARY COMMENTS Eli is a team manager that gets the job done consistently.
He has developed an excellent and reliable staff. He is personally dedicated to the
task at hand.

OVERALL RATING: The overall rating should be determined based upon all ratings received with consideration given to the importance of each accountability. (Plus (+) and minus (-) may be used with the overall number rating to further distinguish performance level).

2

OVERALL RATING
(1,2,3,4 or 5)

EMPLOYEE COMMENTS (OPTIONAL):

SUPERVISOR: WDFencil
(TYPE OR PRINT)

(SIGNATURE)

(DATE)

SECONDARY
REVIEWER: B. R. Pohlott
(TYPE OR PRINT)

(SIGNATURE)

(DATE)

EMPLOYEE'S SIGNATURE

DATE

My signature indicates that I have a copy of my job description and reviewed my evaluation with my supervisor. It does not imply that I agree or disagree with the contents of this performance evaluation.

Amtrak Performance Evaluation Form

for Management Employees

Mistovich Aff
Exh. F

Confidential

Use the following sequence for completing this appraisal.

- Formally review each employee's performance at least once a year.
- Complete all sections and send the evaluation form to the secondary reviewer for approval.
- Discuss the completed performance evaluation with the employee. Modify if necessary and clear any changes with the secondary reviewer.
- After completion of the appraisal interview, have the employee review, sign and comment in the spaces provided. (comments are optional). Give the employee a copy of the evaluation. Send the completed original to the appropriate Human Resources office for inclusion in the employee's personnel file.

Refer to this accountability rating scale.

All comments on performance must fully and completely justify the rating given. Plus (+) and minus (-) may be used with the numerical rating to further distinguish performance level. Use an "N" if employee is new or inexperienced in the job, although he/she may be progressing adequately.

JOB CODE: 6NC30			
LAST NAME		FIRST NAME	MIDDLE INITIAL
Mistovich		Eli	
SOCIAL SECURITY NUMBER		HIRE DATE TO MANAGEMENT	
016-44-8850		1/16/78	
APPRAISAL PERIOD (MONTH/YEAR TO MONTH/YEAR)			
10/1/97 to 9/30/98			
DEPARTMENT DURING APPRAISAL PERIOD	RESCEN	FIS LOCATION	MSA LOCATION
1K	7060	1212	
JOB TITLE DURING APPRAISAL PERIOD	JOB BAND	MONTHS IN POSITION	
ADE - Track		129	
NEXT APPRAISAL DUE		HUMAN RESOURCES DEPARTMENT USE ONLY	
9/30/99			

1	2	3	4	5
Employee has demonstrated distinctly superior performance and consistently exceeds expectations.	Employee has demonstrated above average performance and sometimes exceeds expectations.	Employee has demonstrated satisfactory performance and meets expectations.	Employee has shown some performance deficiencies and needs improvement in certain areas.	Employee's overall performance is unsatisfactory and does not meet minimum standards.

A. Core Accountabilities All management employees must adhere to and comply with the following important values of Amtrak. These accountabilities are significant and should be evaluated independently of the accountabilities listed in Sections B and C. Each accountability should be addressed in the comments section below and must include specific, qualitative remarks. Use additional sheets if necessary.

1. Core Accountability: **Safety:** Promotes a safe, clean environment for employees and the public and where applicable, complies with safety and operating rules.

RATING

2+

Comments on performance:

Eli has personally planned and executed the annual weed and brush spray programs resulting in no environmental complaints. Eli coordinated cleanup of oil spills at Columbia Road and Winchester Station in compliance with DEP. Track department injury ratio for this period was 2.8, the lowest in Commuter Rail with over 200 employees. He is an active participant in the Engineering Department safety committee. I think this participation is one reason for his departments success. Eli coordinates all Drug & Alcohol testing for the Track Department. He always participates in division safety Walkabouts and STOP audits. Eli needs to hold more regional quarterly safety meetings with his employees to keep the lines of communication open.

2. Core Accountability: **Equal Employment:** Promotes equal employment policies and ensures open access to all developmental and promotional opportunities in a non-discriminatory environment.

RATING

2+

Comments on performance:

Eli conducted job interviews one or two days per week during October, November & December to fill twenty-eight vacancies. The guideline of 30% minority candidates was exceeded. Three female candidates were hired during this period. A minority candidate was hired to fill a Roadmaster vacancy.

3. Core Accountability: **Financial Resources** Effectively manages and utilizes Amtrak's financial resources (budgets, cost controls, etc.).

RATING

2

Comments on performance:

\$15 million dollar Track Dept. budget finished this period \$1,626,961 under budget, despite being short-handed due to extra work projects with minimum impact on train schedules. Eli should gain a deeper understanding on budgetary issues and costs as they relate to manpower and equipment.

B. Key Accountabilities All management employees should be evaluated for their performance in the following seven areas that represent important qualities of a management employee. Each accountability should be addressed in the comments section below and must include specific qualitative remarks. Use additional sheets if necessary.

1. Key Accountability: **Customer Service:** Responds in a timely manner to both external and internal customer needs. Seizes opportunities to meet or exceed customers expectations. Responds to customers' needs with flexibility. Treats customers with courtesy and respect. Assumes personal responsibility for correcting service problems. Maintains an enthusiastic approach toward his/her job and the company.

RATING

2+

Comments on performance:

Quick response at MP 29 culvert washout minimized impact on train schedules. Planned snow coverage last winter to insure train schedules, clean platforms and parking lots. Quick response at Ferry Road during heavy rain June 14th minimized impact on trains. These, in addition to last minute request from the MBTA that require immediate attention. In addition to responding to numerous request to clean up the ROW, most clean up is trash dumped by abutters, not random material. Consistently accommodates the MBTA "needs" in snow duty response.

2. Key Accountability: **Leadership:** Shows initiative and acts as an agent for change. Communicates Amtrak's vision, values and business goals. Encourages employee involvement and teamwork. Fosters an environment of trust and mutual respect. Facilitates and coaches effectively. Supports team through effective communication and removal of barriers. Motivates others to achieve positive results and common goals.

RATING

2

Comments on performance:

All department management "go-to" Eli for advice. He has a wide area of expertise and experience. He is counted on by many departments as their tough case Charging Officer i.e. Charging Officer for C&S J. Griffiths & J. McGrath. The claim department constantly uses his skills and talents to achieve their goals.

3. Key Accountability: **Vision:** Understands the department's strategies and operating objectives. Promotes the integration of corporate-wide and departmental strategies and operating objectives. Influences others when developing or marketing a new concept, product or service area. Contributes to the development of business strategy. Where applicable, identifies trends and initiatives that will have an impact on the services Amtrak provides as well as to the changing needs of customers.

RATING

2

Comments on performance:

Amtrak strategy to keep Commuter Rail contracts is the basis to Eli's management of the MBTA. At one time this year I was unable to arrange for compromise with the Engineering Dept. section chief. I asked Eli as department head to intervene. My faith in Eli was well founded as he was able forge an agreement I could not. Eli forecasts future needs and routinely plans vegetation programs and MWV-1 qualification class one year in advance.

4. Key Accountability: **Development of Employees:** Motivates and assists employees to improve their performance. Recognizes and develops skills and abilities of employees. Provides effective guidance, supervision, and professional growth opportunities to employees.

RATING

2-

Comments on performance:

Planned coordinated, and scheduled various training for employees including MWV-1 1 day and two week classes and Training Camp during the spring. Fostered an environment that allowed employees to come to him with seminar and training opportunities, in addition to suggesting training options to his employees.

5. Key Accountability: **Communication:** Provides clear and concise oral communication in individual and group situations. Possesses effective writing skills. Demonstrates the ability to use tact and diplomacy with others. When applicable, demonstrates the ability to negotiate by presenting reasonable arguments that support Amtrak's interests and achieves beneficial results. Commands and maintains the respect and confidence of others. Accepts constructive criticism and direction from supervisors.

RATING

3+

Comments on performance:

Eli stays in communication with all members of his staff and me through his e-mail system. Regular meetings with his staff should improve performance in this area. Eli should, at times, take the opportunity to fully explain the intent of his memos and correspondence. His brevity is sometimes a detraction.

6. Key Accountability:

Analytical Skills: Demonstrates a knowledge of techniques, principles, technical disciplines and procedures required for effective job performance. Shows the ability to obtain facts, evaluate them and apply good judgement to the solution of problems in order to arrive at sound conclusions. Performs assignments creatively, conscientiously and accurately, with a high degree of quality and overall effectiveness.

RATING

2

Comments on performance:

Eli's preparation with MBTA Attorney Sahovey and court testimony resulted in a successful defense of W. Daly jury trial. Eli is the best Charging Officer and is routinely consulted by other Engineering managers concerning difficult investigations. The C&S department requested Eli as Charging Officer for the Griffiths and McCrath hearings during this period.

7. Key Accountability:

Planning and Organization: Demonstrates the ability to plan his/her work to ensure efficient use of time. Establishes goals/priorities, meets deadlines, and performs independently with minimal or no need for follow-up.

RATING

2+

Comments on performance:

Complies daily list of work and executed in priority order to accommodate the various demands of the largest Engineering sub-department. Aggressive preventive maintenance program allows trains to operate without obstruction as verified by Amtrak's Geometry Car during August. Eli schedules vegetation program one year in advance to comply with state regulations. He plans MW-1 requalification training one year in advance to match the instructors schedule with the maintenance program. Eli schedules weekend duty coverage for both Engineering and Track staffs.

C. Job Specific Accountabilities All management employees have accountabilities that are specifically related to their individual jobs. Please list and define at least one (but no more than four) of the most critical job specific accountabilities. Each job specific accountability should be addressed in the comments section below and must include specific qualitative remarks. Use additional sheets if necessary.

1. Job Specific Accountability: Emergency response to maintain service despite snow, rain, derailments, etc. On call 24 hours per day & weekend duty.

RATING

2

Comments on performance:

The Track Dept. under Eli's direction does an outstanding job maintaining train service during snowstorms working around the clock cleaning switches, platforms and parking lots for our customers. The General Manager commended his department for returning switch heaters to service at Tower A before the November 14, 1997 snow storm. Quick response to MP 29 culvert washout effected temporary repairs returning train service by 10:00 p.m. September 22, 1998. Also Eli's quick response at Ferry Road during heavy rain June 14 minimized impact on trains.

2. Job Specific Accountability: Comply with Federal Regulations and Amtrak Engineering Standards and Procedures. Maintain track within FRA, MW-1000 & MW-1 Standards.

RATING

2

Comments on performance:

Eli department is able to maintain track speed despite deferring maintenance while working short-handed due to Tie & Rail jobs, training and extra work. This was verified by the Amtrak Geometry Car which Eli was on. There were no FRA track defects during this period. Other projects during the period include rehab. of 13 grade crossings, Rail Grinding Train, Sperry Car, rail on the NHML and Fitchburg routes. Joint elimination and installation of derails at 6 layover yards to avoid FRA mechanical violations.

3. Job Specific Accountability: Extra Work Support in addition to maintenance responsibilities

RATING

2

Comments on performance:

During this period Eli's department performed the following extra work projects in addition to his maintenance responsibilities: Tie & rail jobs, C&T projects including CP "Sand" switch work, North Station tracks, material yard relocation to Lynn and complete rehab. of freight tracks near FX including Prinz track derailment; relocation of North Street facilities to Castle Hill and West Cambridge, transport Old Colony CWR from Plymouth to Newburyport, Old Colony transition from construction to limited and full service including flagging defective crossings and contractor punch list items.

4. Job Specific Accountability:

RATING

Comments on performance:

Personal Development

List areas where employee shows strengths:

- 1) Focused leader
- 2) Win-win relationship with MBTA
- 3) Vast technical knowledge
- 4) Analytical ability is routinely utilized by Claims and Attorneys to defend Corporation in litigation.
- 5) Plans work one year in advance, then executes efficiently in priority order without supervision

List areas where employee needs improvement:

- 1) Computer training
- 2) Writing effective correspondence (outside of Amtrak class)

Overall Rating

The overall rating should be based upon all ratings received with consideration given to the importance of each accountability. Plus (+) and minus (-) may be used with the overall numerical rating to further distinguish performance level. Use an "N" if employee is new or inexperienced in the job, although he/she may be progressing adequately.

OVERALL RATING

(1,2,3,4, or 5)

2

EmployeeComments (Optional)**SUPERVISOR:**

A.J. Cloutier

TYPE OR PRINT NAME



SIGNATURE

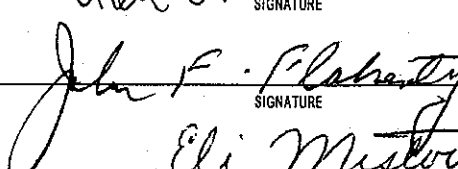
11/17/99

DATE

SECONDARY REVIEWER:

J.F. Flaherty

TYPE OR PRINT NAME



SIGNATURE

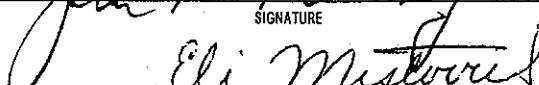
11/23/98

DATE

EMPLOYEE:

Eli Mistovich

TYPE OR PRINT NAME



SIGNATURE

11/17/98

DATE

My signature indicates that I have a copy of my job description and have reviewed my evaluation with my supervisor. It does not imply that I agree or disagree with the contents of this performance evaluation.



Amtrak® Job Performance Form

for Management Employees

Confidential

Instructions

- Complete all sections of this form, being sure to include consideration of the employee's self assessment of his/her progress against goals.
- Attach the signed Functional Evaluation Form identifying goals and supervisor's Performance Index.
- Provide a numerical rating for each functional area.
- Sign and forward form to secondary reviewer.
- For additional guidance, refer to the detailed instructions provided in your management training and available in your local Human Resources office.

LAST NAME Mistovich		FIRST NAME Eli	MIDDLE INITIAL
SOCIAL SECURITY NUMBER 016-44-8850	HIRE DATE TO MANAGEMENT 1/16/1978	MONTHS IN POSITION 141	
JOB TITLE DURING APPRAISAL PERIOD ADE - Track			
DEPARTMENT DURING APPRAISAL PERIOD IK			
APPRAISAL PERIOD (MONTH/YR TO MONTH/YR) October 1998 - September 1999	RESCEN 7060	FIS LOCATION 1212	MSA LOCATION
NEXT APPRAISAL DUE October 2000	JOB BAND D1	JOB CODE 6NC30	HUMAN RESOURCES DEPARTMENT USE ONLY

Refer to this accountability rating scale.

All comments on performance must fully and completely justify the rating given.

ABOVE COMPETENT		COMPETENT			BELOW COMPETENT	
7	6	5	4	3	2	1
Consistently exceeded expectations; achieved stretch goals.	Often exceeded expectations; partially achieved stretch goals.	Sometimes exceeded expectations; progressed toward stretch goals.	Consistently met expectations; achieved goals.	Met expectations; partially achieved goals.	Rarely met expectations.	Failed to meet expectations.

A. Core Functional Areas Our strategic business goals are dependent upon exceptional performance by all management employees in the following areas. Given the importance of diversity, all Amtrak management employees must be evaluated on the Valuing Diversity criterion, which has a preassigned weighting. Each employee is expected to receive a rating in five of the six remaining areas. Goals should have been set for the other functional areas. Note in the designated area, if the manager and employee made a joint decision to not set a goal in a particular area. These core functions should be evaluated independently of those listed in Section B. Each area should be addressed in the comment section and must include specific remarks and examples of conduct of performance that support or justify the rating. The descriptors provided are for guidance only and should not replace goals set by the manager and employee. Use additional sheet if necessary.

1. Core Function:

Valuing Diversity: Complies with all legal requirements as well as Amtrak's policies regarding diversity, affirmative action, equal employment opportunity and non-discrimination. Creates an environment wherein people from diverse backgrounds feel comfortable. Works cooperatively with individuals from diverse backgrounds and supports and encourages their contributions. Makes personnel and job assignment decisions in a non-discriminatory manner.

WEIGHT	RATING
20%	6

Additional goals: ☒ Yes ☐ No If yes, see attached functional Evaluation form.

Comments on performance:

During October, November, and December Eli conducted over 100 job interviews and subsequently hired 6 minority and 2 female candidates; 8 of 24 total candidates = 33.3% thus exceeding the 30% goal by 11%.

2. Core Function:

Customer Service: Responds in a timely manner to both external and internal customer needs. Seizes opportunities to meet or exceed customers' expectations. Responds to customers' needs with flexibility. Treats customers with courtesy and respect. Assumes personal responsibility for correcting service problems. Maintains an enthusiastic approach toward his/her job and the company. Establishes and maintains constructive

WEIGHT	RATING

WEIGHT 20%	RATING 6
---------------	-------------

working relationships with clients, customers and business partners.

Additional goals: ☒ Yes ☐ No If yes, see attached Functional Evaluation Form.

Comments on performance:

Eli planned and provided coverage to maintain train service during rain and wind storms, every snow storm last winter, Tropical storm Floyd, Southampton St. derailment, and weekend duty.

3. Core Function:

WEIGHT 20%	RATING 3
---------------	-------------

Safety: Promotes a safe, clean environment for employees and the public and where applicable, complies with safety and operating rules.

Additional goals: ☒ Yes ☐ No If yes, see attached Functional Evaluation form.

Comments on performance against goals:

Track Department FRA injury ratio of 5.5 was above 3.4 goal. However a series of safety meetings during August resulted in great improvement (zero injuries August, September, and October.) Eli coordinates all Drug Alcohol testing for Track Department.

4. Core Function:

WEIGHT 20%	RATING 6
---------------	-------------

Employee Satisfaction: Interpersonal skills and efforts are directed to employee development and enhancement of work life.

Additional goals: ☒ Yes ☐ No If yes, see attached Functional Evaluation Form.

Comments on performance against goals:

Eli planned and coordinated various training for employees including MW-1 requalification for 54 in March, Training Camp 25 employees for 10 weeks March to May, AMT-2 for 200, Tamper school for 12 in March, Leadership, OA Welding, Electric Welding for 8 weeks, FRA track standards, Diversity, New Hire.

5. Core Function:

WEIGHT 20%	RATING 5
---------------	-------------

Financial Resources: Effectively manages and utilizes Amtrak's financial resources (budgets, cost controls, etc.).

Additional goals: ☒ Yes ☐ No If yes, see attached Functional Evaluation form.

Comments on performance against goals:

Track Department budget ended FY99 with 0% variance on \$15,495,685 budget, despite adding service to Newburyport

B. Key Functional Areas Document here those other functional areas critical to the success of your respective department for which goals and stretch goals were set. Use additional sheets if necessary.

1. Key Function:

WEIGHT 20%	RATING 6
---------------	-------------

Describe according to attached Functional Evaluation Form.

Comments on performance against goals:

Key Function: Maintain track within FRA, Amtrak and MBTA Standards.

Track Department is able to maintain track speed despite working short-handed due to Tie & Rail Jobs and Training. There were 36 FRA and 50 Sperry defects during this period. 15 speed restrictions were applied.

Additional Comments

List areas where employee shows strengths:

Focused leader, vast technical knowledge, Analytical ability is routinely utilized by Claims and Attorneys to defend Corporation in litigation. Plans work one year in advance and executes in priority order.

List areas where employee needs improvement:

Computer skills.

Employee Comments (Optional)

SUPERVISOR:

Jack Flaherty

TYPE OR PRINT NAME

SIGNATURE

DATE

SECONDARY REVIEWER:

Al Cloutier

TYPE OR PRINT NAME

SIGNATURE

DATE

EMPLOYEE:

Eli Mistovich

TYPE OR PRINT NAME

SIGNATURE

DATE

Eli Mistovich

11/12/99

*My signature indicates that I have reviewed my evaluation with my supervisor.
It does not imply that I agree or disagree with the contents of this performance evaluation.*

Amtrak®

AMTRAK MANAGEMENT ANNUAL PERFORMANCE EVALUATION

1999 FUNCTIONAL EVALUATION FORM

 Eli Mistovich
 Name

 ADE - Track
 Print Your Title

 A. J. Cloutier
 Your Print Your Supervisor's Name

1	2	3	4
Functional Area	Your Goals	Your "Stretch + " Goals	Your Weightings
You must choose 5 of these 6. Check (X) the box next to each one you choose.	A "3" rating for a competent manager achieving business plan	A "5" rating requires achieving results 20% beyond your goals in (2)	Minimum of 5%, maximum of 80% for any one goal. Total must = 100%
<input checked="" type="checkbox"/> Safety	Meet goal of 3.4% injury ratio.	Exceed goal by 20% = 2.7	20%
<input checked="" type="checkbox"/> Financial	End fiscal year within budget.	Exceed goal by 20%.	20%
<input checked="" type="checkbox"/> Customer Service	Maintain train service during rain, wind, 10 snow storms, derailments and cover weekend duty.	Provide coverage during 12 storms.	20%
<input checked="" type="checkbox"/> Employee Satisfaction	Conduct training at average rate of 5 employees daily.	Conduct training at average rate of 6 employees daily	20%
<input checked="" type="checkbox"/> Diversity (mandatory)	Comply with all legal requirements, as well as Amtrak's policies regarding diversity, affirmative action, equal employment opportunity and non-discrimination. Create an environment wherein people from diverse backgrounds feel comfortable. Work cooperatively with individuals from diverse backgrounds and support and encourage their contributions. Make personnel and job assignment decisions in a non-discriminatory manner.	Positively impact diversity by ensuring an environment for employees and customers that is respectful, sensitive to and accepting of an individual's differences. Seek to recruit, hire and promote a diverse workforce. Offer developmental opportunities to subordinates from different backgrounds and experiences. Manage conflict and seek to informally resolve disputes before they escalate - encourage dialogue and communication to resolve conflict. Send the message through personal conduct that personal conduct that discrimination/inappropriate conduct will not be tolerated.	20%
<input checked="" type="checkbox"/> Other: Maintain track within FRA, Amtrak, and MBTA Standards.	Limit number of obstructions to 20 speed restrictions, 50 FRA and 75 Sperry defects.	Limit obstructions to 16 speed restrictions, 40 FRA defects and 60 Sperry Defects.	20%
Your signature and date: <i>Eli Mistovich</i>		Your Boss's Signature and date:	
		120%	

AMTRAK MANAGEMENT ANNUAL PERFORMANCE EVALUATION

2000 FUNCTIONAL EVALUATION FORM

Eli Mistovich	ADE - Track	John B. Mitchell
Name	Print Your Title	Print Your Supervisor's Name

1	2	3	4
Functional Area	Your Goals	Your "Stretch + Goals"	Your Weightings
You must choose 5 of these 6. Check (X) the box next to each one you choose.	A "4" rating for a competent manager achieving business plan	A "7" rating requires achieving results 20% beyond your goals in (2).	Minimum of 5%, maximum of 80% for any one goal. Total must = 100%.
<input checked="" type="checkbox"/> Safety	Meet goal of 5.0% injury ratio.	Exceed goal by 20% = 4.0%.	16%
<input checked="" type="checkbox"/> Financial	End fiscal year 1% under budget.	End fiscal year 1.2% under budget.	16%
<input checked="" type="checkbox"/> Customer Service	Maintain train service during 5 rain, wind, snowstorms, and derailments and cover weekend duty.	Provide coverage during 6 storms.	16%
<input checked="" type="checkbox"/> Employee Satisfaction	Conduct training at average rate of 5 employees daily.	Conduct training at average rate of 6 employees daily.	16%
<input checked="" type="checkbox"/> Other: Maintain track within FRA, Amtrak and MBTA Standards.	Limit number of obstructions to 25 speed restrictions, 60 FRA and 90 Sperry defects.	Limit obstructions to 20 speed restrictions, 48 FRA defects and 72 Sperry defects.	16%
<input checked="" type="checkbox"/> DIVERSITY [mandatory]	Comply with all legal requirements, as well as Amtrak's policies regarding diversity, affirmative action, equal employment opportunity and non-discrimination. Create an environment wherein people from diverse backgrounds feel comfortable. Work cooperatively with individuals from diverse backgrounds and support and encourage their contributions. Make personnel and job assignment decisions in a non-discriminatory manner.	Positively impact diversity by ensuring an environment for employees and customers that is respectful, sensitive to and accepting of an individual's differences. Seek to recruit, hire and promote a diverse workforce. Offer developmental opportunities to subordinates from different backgrounds and experiences. Manage conflict and seek to informally resolve disputes before they escalate - encourage dialogue and communication to resolve conflict. Send the message through personal conduct that discrimination/inappropriate conduct will not be tolerated.	20%

<i>Eli Mistovich</i> 11/10/00	<i>John B. Mitchell</i> 11/12/00	100%
Your signature and date:	Your Boss's signature and date:	

Amtrak Job Performance Form

For Management Employees

Confidential

Instructions

- Complete all sections of this form, being sure to include consideration of the employee's self-assessment of his/her progress against goals.
- Provide a numerical rating for each functional area.
- Sign and forward form to secondary reviewer.
- For additional guidance, refer to the detailed instructions available in your local Human Resources Office.

Last Name; First Name; Middle Initial			
Mistovich Eli			
Social Security Number	Hire Date to Management	Month in Position	
016448850			
Job Title During Appraisal Period			
Assistant Division Engineer, Track			
Department During Appraisal Period			
Customer Services			
Appraisal Period (Month/Yr to Month/Yr)	Rescen	FIS location	MSA Location
10/01/99 TO 09/30/00	7060		
Next Appraisal Due	Job Band	Job Code	Human Resources Department Use Only
10/01	D-1	60441	

Refer to this accountability rating scale.

All comments on performance must fully and completely justify the rating given.

7	6	5	4	3	2	1
Consistently exceeded expectations.	Often exceeded expectations.	Sometimes exceeded expectations.	Consistently met expectations.	Sometimes met expectations.	Rarely met expectations.	Failed to meet expectations.

A. Functional Goals Our strategic business goals are dependent upon exceptional performance by all management employees in the following areas. Each area should be addressed in the comment section, and must include specific remarks and examples of conduct or performance that support or justify the rating. The descriptors provided are for guidance only and should not replace goals set by the manager and employee.

1. Functional Goal: **Financial Resources:** Effectively manages and utilizes Amtrak's financial resources (budgets, cost controls, etc.).

Weight	Rating
20	5

Comments on performance against goals:

Eli's group finished the year only slightly over budget; however they also were required to perform increased scope on the fixed price contract due to political interference from the client on the Western Route tie installation work. Further Eli correctly expended extra resources on this job due to its impact on the upcoming Amtrak Maine service. Eli has started to develop contract administration skills with his group to assure we perform only to the limits our contract.

2. Functional Goal: **Valuing Diversity:** Takes appropriate action in support of employment diversity, supplier diversity, and affirmative action as well as the support of equal opportunity policies.

Weight*	Rating
20	6

*Must be at least 10%

Comments on performance against goals:

Eli has supported all of the myriad training programs and has exceeded his goals in hiring minority candidates year. Additionally Eli has provided mentoring support for one of his minority managers who has struggled with his assignments

3. Functional Goal: **Customer Service:** Responds in a timely manner to both external and internal customer needs in support of Amtrak's unconditional service guarantee. Seizes opportunities to meet or exceed customers' expectations. Responds to customers' needs with flexibility. Treats customers with courtesy and respect. Assumes personal responsibility for correcting service problems. Maintains an enthusiastic approach toward his/her job and the company. Establishes and maintains constructive working relationships with clients, customers and business partners.

Weight	Rating
20	6

Comments on performance against goals:

Eli has developed a group of managers and employees who are dedicated to the success of the MBTA service. He has a rapport with the client that has fostered a collaborative rather than adversarial contract atmosphere. Eli is the driving force behind our snow removal efforts in the winter and has developed a system that provides for exceptional customer safety and service.

4. Functional Goal: **Safety:** Promotes a safe, clean environment for employees and the public and where applicable, complies with safety and operating rules. Additional goals: ☐ Yes ☐ No If yes, see attached Management Functional Goals.

Weight	Rating
20	5*

Comments on performance against goals:

*This is a forced rating as Eli has supported his safety Liasons and their safety committees as well as Amtrak's program to produce a 3.1 ratio for FY2000. This compared with the 9.4 ratio from the previous year!! *Eli is personally responsible for our successful compliance with MA complex weed spray regulations*

5. Functional Goal: **Management:** Provides clear direction; develops appropriate plans to meet goals; builds and fosters collaboration among team; makes timely and sound decisions; motivates, coaches and develops staff. Exhibits and develops the leadership behaviors identified as key to Amtrak's success.

Weight	Rating
20	6

Comments on performance against goals:

Eli expends an enormous effort in coaching his subordinates. He communicates, effectively, the needs of the service and provides support to the often fluid Amtrak managerial focus. Eli is effective in our multi-task environment, successfully juggling the Western Route Tie job with related infrastructure improvements as well as a full plate of capital improvements on the New Hampshire Route. His staff routinely works extra hours without being directed to do so. This is a clear indicator that Eli has instilled the mission parameters in his people. *Additionally one of Eli's employees was named employee of the year for achievement.*

B. Job Specific Functional Goals Document here those other functional areas critical to the success of your respective department for which goals were set.

1. Functional Goal: Describe according to attached Functional Goal Form.

Weight	Rating

Comments on performance against goals:

2. Functional Goal: Describe according to attached Functional Goal Form.

Weight	Rating

Comments on performance against goals:

Additional Comments *5.60*

List areas where employee shows strengths:

Eli has a thorough and all encompassing knowledge of the territory and its requirements. Eli performs substantial service as a carrier expert witness in legal proceedings.

List areas where employee needs improvement:

Work hard on improving inter-departmental communication/coordination.

Employee Comments (Optional)

Supervisor: J.M. Prugh

Name

Signature

Date

Secondary Reviewer: K. Lydon

Name

Signature

Date

Employee:

Name

Signature

Date

My signature indicates that I have reviewed my evaluation with my supervisor. It does not imply that I agree or disagree with the contents of this performance evaluation.

Amtrak

amazon.com

Your
Store

Magazine Subscriptions

See All 32
Product Categories

Your Account |  Cart | Wish List | Hi

Advanced
Search

Browse
Subjects

Top
Sellers

Today's
Deals

Gift
Ideas

Newspapers

Professional
& Trade

Search Magazines



Find Gifts

A9 Web Search

MAGAZINE INFO

Explore this
magazine

[buying info](#)

[editorial
reviews](#)

Share your
thoughts

[write a review](#)

[write a So You'd](#)

[Like to... guide](#)

[e-mail a friend](#)

[about this item](#)

Bay State Banner [NEWSPAPER SUBSCRIPTION]

Price: \$35.00 (\$0.67/issue)

Issues: 52 issues/12 months

Availability: The first issue should arrive in
2-4 weeks. [Here's why](#)

READY TO BUY?



Add to Shopping Cart

or

[Sign in](#) to turn on 1-Click ordering.



A9.com users **save 1.57%**
on Amazon. [Learn how.](#)

Add to Wish List

Add to Wedding Registry

Don't have one?
We'll set one up for you.

X

Editorial Reviews

From the Publisher

Community newspaper of greater Boston's African-American community.

RATE THIS MAGAZINE

([Sign in to rate this item.](#))

Browse for magazine subscriptions in:

- [Subjects](#) > [Professional & Trade](#)
- [Subjects](#) > [Newspapers](#) > [General Interest](#)

Spectacular Readers



Never misplace your
reading glasses again
with the hip and
stylish magnetic
readers from [Clic](#).

- **I have read this magazine, and I want to [review](#) it.**
- Is there a specific product you'd like us to sell?
[Tell us](#) about it.

Suggestion Box

Your comments can help make our site better for everyone. If you've found something incorrect, broken, or frustrating on this page, let us know so that we can improve it. Please note that we are unable to respond directly to suggestions made via this form.

If you need help with an order, please [contact Customer Service](#).

Please mark as many of the following boxes that apply:

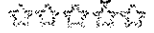
- ☐ Product information is missing important details.
- ☐ Product information is incorrect.
- ☐ The page contains typographical errors.

Mistond Afl
Exh-I

ShopperReports

Read product information for the Bay State Banner Magazine

Product
Rating



Community newspaper of greater Boston's African-American community.

Key Features

Genre

News & Politics •

Type

General

Miscellaneous

Product ID

21463277 •